

## **REMARKS**

### **I. INTRODUCTION**

Claims 1, 8, and 9 have been amended. No new matter has been added. Thus, claims 1-9 are pending in the present application. In view of the above amendments and the following remarks, the Applicants respectfully submit that all of the pending claims are allowable.

Claims 1, 8 and 9 are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. No new matter is added.

Further Applicants thank the Examiner for acknowledging the priority claim in the body of the Office Action. (See 10/15/09 Office Action, p. 1). However, Applicants respectfully request that the Examiner also acknowledge receipt of the Certified priority documents and that the submitted drawings are acceptable in either a subsequent Office Action or a the Notice of Allowance in this application.

### **II. THE 35 U.S.C. § 101 REJECTION SHOULD BE WITHDRAWN**

Claim 8 stands rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. (See 10/15/09 Office Action, p. 3). Specifically, the Examiner states that claim 8 relates to a “computer program.” Claim 8 has been amended to recite “A computer storage means including a program executable by a processor of enabling a programmable device to carry out a method as claimed in claim 1.” Support for this amendment may be found at least on page 6, lines 1-11 of the Specification. Thus, it is respectfully submitted that claim 8 is directed toward statutory subject matter. Accordingly, it is respectfully submitted that the Examiner should withdraw the 35 U.S.C. § 101 rejection for claim 8.

### III. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claims 1-3, 6, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,008,806 to Nakajima et al. (hereinafter “Nakajima”) in view of U.S. Pat. Pub. No. 2002/0160817 to Salmimaa et al. (hereinafter “Salmimaa”). (See 10/15/09 Office Action, p. 3).

Nakajima relates to an operating system with extensions in which capabilities are extended for a shell of the operating system such as adding menu items to context menus for objects that are visible within an integrated system name space. (See Nakajima, abstract). Specifically, Nakajima discloses that when a user makes a request, a database is accessed to obtain configuration information about a context menu handler which is invoked to add menu items to a context menu of an object. (See Nakajima, col. 2, l. 2-10).

Salmimaa relates to an apparatus and method for displaying a plurality of icons on the display of a mobile terminal. One or more characteristics associated with each icon are compared to one or more context values such as time of day, geographic area, or user profile characteristics. Depending upon the comparison, the icons are represented in a display format larger than other icons. (See Salmimaa, abstract).

The Examiner states that Nakajima discloses the claim 1 recitation of “enabling a user to select an item in a selection context, a selection context representation representing the selection context.” (See 10/15/09 Office Action, p. 4). Nakajima discloses various flow charts used to add an item to a menu including an overview of extending the functionality of an operating system shell; adding verbs to a context menu; adding dynamic verbs to a context menu; and dynamically adding verbs to a context menu. (See Nakajima, Figs. 2-5 and corresponding sections in the Specification thereof). Specifically, Nakajima relates to customization of the context menu, in particular through addition of new items. Nakajima provides specific details on how to add the item to the context menu and further details on how to associate the item to the context menu (*e.g.*, to call a functionality). The newly added item of Nakajima has no relation to the context menu until associated. In fact, the newly added item has

no relation to a selection context. The Examiner states that the “selection context” of claim 1 is disclosed by the user in Nakajima making a request for configuration information about the context menu handler. However, it is unclear how this relates to “select[ing] an item in a selection context.” Tellingly, when the Examiner is rejecting further elements of claim 1 with respect to the recited “presentation context,” the Examiner identifies the purported corresponding disclosure in Nakajima. Specifically, the Examiner identifies the context menu of Nakajima as analogous to the “presentation context.” (See 10/15/09 Office Action, p. 4). However, the Examiner never identifies an analogous disclosure of the recited “selection context” or “selection context representation.” This is because there is no analogous disclosure in Nakajima.

The Examiner further states that Nakajima discloses “presenting a plurality of items including said item in a presentation context in dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation,” as recited in claim 1. However, as described above, Nakajima never discloses a selection context or a selection context representation. Nakajima relates to adding an item to a menu, there is no “dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation” as recited in claim 1.

The Examiner correctly states that Nakajima does not disclose “the selection context representation including at least a parameter indicating a geographic area” and “the presentation context representation including at least a parameter indicating a geographic area,” as recited in claim 1. (See 10/15/09 Office Action, pp. 4-5). The Examiner attempts to cure this deficiency with Salmimaa. Regarding the prior recitation of claim 1, the Examiner corresponds the geographic area parameter with the third embodiment of Salmimaa in which “the icons are displayed on the display device using a display format that relates to the degree with which each icon matches one or more context values” including geographic location. (See Salmimaa, p. 1, ¶ [0011]). Regarding the latter recitation of claim 1, the Examiner corresponds the geographic area parameter with the first embodiment of Salmimaa in which the context values including dynamically changing information such as a current location of the user. (See Salmimaa, p. 1, ¶ [0009]). It is unclear how the Examiner is associating the geographic location parameter for a

selection context and a presentation context based upon the citations in Salmimaa. That is, although different embodiments of Salmimaa, the location parameter is used as a basis to enlarge an icon for a menu in Salmimaa. Therefore, although not conceded, at most, the location parameter of Salmimaa would relate to the presentation context representation of claim 1 only. The two citations provided by the Examiner relate to identical aspects of Salmimaa, merely demonstrated in two different embodiments. Thus, Salmimaa does not disclose “the selection context representation including at least a parameter indicating a geographic area,” as recited in claim 1.

Thus, it is respectfully submitted that neither Nakajima nor Salmimaa, either alone or in combination, discloses or suggests “enabling a user to select an item in a selection context, a selection context representation representing the selection context, the selection context representation including at least a parameter indicating a geographical area” or “presenting a plurality of items including said item in a presentation context in dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation,” as recited in claim 1. Accordingly, it is respectfully submitted that claim 1 is allowable and the Examiner should withdraw the 35 U.S.C. § 103(a) rejection for this claim.

Claims 2, 3 and 6 depend from claim 1, and inherit all of the respective features of claim 1. Thus, claims 2, 3 and 6 are patentable for at least the same reasons discussed above with respect to claim 1, from which they depend, with each dependent claim containing further distinguishing patentable features. Withdrawal of the rejections of dependent claims 2, 3 and 6 under 35 U.S.C. §103(a) and early allowance are respectfully requested.

Claim 8 recites “A computer storage means including a program executable by a processor of enabling a programmable device to carry out a method as claimed in claim 1.” Thus, it is respectfully submitted that claim 8 is also allowable for at least the reasons discussed above with reference to claim 1 and the Examiner should withdraw the 35 U.S.C. § 103(a) rejection for this claim.

Claim 9 recites “the selection context representation including at least a parameter indicating a geographical area” and “a presenting means for presenting a plurality of items including said item in a presentation context in dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation.” Thus, it is respectfully submitted that claim 9 is also allowable for at least the reasons discussed above with reference to claim 1 and the Examiner should withdraw the 35 U.S.C. § 103(a) rejection for this claim.

Claims 4, 5, and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nakajima in view of Salmimaa in further view of U.S. Pat. Pub. No. 2001/0019338 to Roth. (See 10/15/09 Office Action, p. 9). Nakajima and Salmimaa were discussed above.

As discussed above, neither Nakajima nor Salmimaa discloses “the selection context representation including at least a parameter indicating a geographical area” or “presenting a plurality of items including said item in a presentation context in dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation,” as recited in claim 1. It is respectfully submitted that Roth also does not disclose or suggest this recitation of claim 1. Thus, neither Nakajima, Salmimaa, nor Roth, either alone or in combination, discloses or suggests this recitation of claim 1. Claims 4, 5 and 7 depend from claim 1, and inherit all of the respective features of claim 1. Thus, claims 4, 5 and 7 are patentable for at least the same reasons discussed above with respect to claim 1, from which they depend, with each dependent claim containing further distinguishing patentable features. Withdrawal of the rejections of dependent claims 4, 5 and 7 under 35 U.S.C. §103(a) and early allowance are respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application are believed to be in condition for allowance. If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully Submitted,

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